

**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application:

**Listing of Claims:**

1. (currently amended) A negative electrode active material comprising:  
  
a composition A-B-C containing a first element A, a second element B, and a third element C,  
  
wherein,  
  
the first element A is ~~at least~~ copper or iron;  
  
the second element B is ~~at least~~ silicon or tin; ~~and~~  
  
the third element C is at least one selected from the group consisting of indium, antimony, bismuth, and lead; and  
  
the composition A-B-C contains from about 5 to 48% 40% by weight of the second element B and contains 1 to 50% by weight of the third element C.
2. (original) A negative electrode active material according to Claim 1, wherein the first element A is copper, the second element B is silicon, and the third element C is at least one selected from indium and antimony.
3. (canceled)
4. (original) A negative electrode active material according to Claim 1, wherein the composition A-B-C has low crystallinity.

5. (original) A negative electrode active material according to Claim 1, wherein the composition A-B-C is amorphous.

6. (currently amended) A nonaqueous electrolyte battery comprising:  
a positive electrode containing a positive electrode active material;  
a negative electrode containing a negative electrode active material; and  
a nonaqueous electrolyte,  
wherein,  
the negative electrode active material contains a composition A-B-C ~~containing~~  
having a first element A, a second element B, and a third element C[[],];  
the first element ~~being at least~~ is copper or iron, the second element B ~~being at~~  
~~least is~~ is silicon or tin, and the third element C ~~being is~~ is at least one selected from the group  
consisting of indium, antimony, bismuth, and lead[[],]; and  
the composition A-B-C ~~contains~~ from about 5 to 48% 40% by weight of the  
second element B and containing 1 to 50% by weight of third element C.

7. (original) A nonaqueous electrolyte battery according to Claim 6, wherein the first element A is copper, the second element B is silicon, and the third element C is at least one selected from indium and antimony.

8. (canceled)

9. (original) A nonaqueous electrolyte battery according to Claim 6, wherein the composition A-B-C has low crystallinity.

10. (original) A nonaqueous electrolyte battery according to Claim 6, wherein the composition A-B-C is amorphous.

11. (original) A nonaqueous electrolyte battery according to Claim 6, wherein the negative electrode further contains a carbonaceous material which is capable of being doped and being undoped with lithium.

12. (original) A nonaqueous electrolyte battery according to Claim 11, wherein the carbonaceous material is one selected from the group consisting of non-graphitizable carbon, graphitizable carbon, and graphite.